



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

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## OREGON

EAGLE POINT CITY COUNCIL  
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

JUNE 13, 2017

### REGULAR MEETING MINUTES

1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the meeting to order at 7:00 p.m.

Council Members Present: Bob Russell, Bill Fierke, Ruth Jenks, Kathy Sell, and Michael Stanek.

Council Members Absent: Jonathan Bilden, and James Mannenbach.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Robert Miller, Public Works Director; Melissa Owens, Finance Director; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Bob Pinnell, President, Eagle Point and Upper Rogue Chamber of Commerce; Suzi Collins, Planning Commissioner; Millie Wewerka, Budget Committee Member and Planning Commissioner; Jerry Zieman, Budget Committee Member; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance; and Jerry Zieman offered the invocation.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA

Fred Gurthet of Eagle Point discussed water main breaks and seepage causing damage to homes and roads in the Eagle View Subdivision. Mr. Gurthet noted previous discussions over the years at Council meetings and with various City officials. Additionally, Mr. Gurthet requested the Council to determine solutions or place it on a Council agenda. Mayor Russell suggested Mr. Gurthet meet with Henry Lawrence, City Administrator, to work on getting the facts together.

Diane Archer of Eagle Point asked if there were updates to the proposed development behind Idlewood Mobile Park. Mike Upston, Planning Director, responded that the project

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was in review and ground breaking is anticipated mid to late summer. Ms. Archer noted high weeds in the area and Mr. Upston reported staff would follow up on that. In addition, Ms. Archer asked to see the proposed development sketches. However, Mr. Upston reported they were not yet available but that Ms. Archer could check in periodically. On a separate topic, Ms. Archer asked if there were organizations other than ACCESS that could financially assist the elderly with water services. The Rogue Valley Council of Governments (RVCOG) and St. Vincent de Paul were offered as resources.

#### 4. PRESENTATIONS

There were no presentations.

#### 5. PUBLIC HEARINGS

5.1 Public Hearing in the matter of approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No. 17-03:SUB, North Barton Road Subdivision, at Tax Assessors Map 351W34BD, Lot 200 in the R-1 Single-Family Residential zoning district.

Mayor Russell announced that the Public Hearing had been advertised and all legal notifications were made in compliance with state and local laws. Next, Mayor Russell opened the Public Hearing in the matter of approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No. 17-03:SUB, North Barton Road Subdivision, at Tax Assessors Map 351W34BD, Lot 200 in the R-1 Single-Family Residential zoning district at 7:14 p.m.

City Attorney Kellerman recused himself as he and his wife own the property.

Mayor Russell then asked if any Council member wished to declare a conflict of interest, either actual or potential, make any disclosure, or abstain from participating or voting on this matter because of possible financial gain resulting from this decision, because of a direct private interest in the proposal, or determination that they could not be impartial. Councilor Sell disclosed that she serves the Planning Commission, and was present during its public hearing on this hearing item and therefore declared ex-parte contact. Councilor Sell further disclosed that she was not involved in the Commission's decision making process, but had asked questions during the hearing.

Mike Upston, Planning Director, reviewed the location of the property situated on the north side of Barton Road, and further described the proposed subdivision as reported in the related Agenda Statement. Mr. Upston reported that all materials had been available to the City Council and public; however, a revision to the Subdivision Final Order regarding Potential City Acceptance of Easement and/or Title was presented during the meeting (Submission No. 1). The 11.4 acre parcel with a pond includes approximately 9 acres of buildable land. Single family homes were proposed, some attached and detached. Mr. Upston noted that land within city limits is designed to be developed, preserving the space beyond as open lands. Mr. Upston

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further explained about: single attached/detached homes, setbacks, parking details and an allowance for single car garages. An additional deviation relates to the cul-de-sac design to allow for a 48' radius instead of a 50' radius. All requirements were met as detailed in Item VII. Conclusions. Mr. Upston also noted that Travis Snyder and a representative of the Ausland Group were present to answer questions.

Mayor Russell asked if there were questions for staff. Councilor Stanek stated he thought it was a nice plan and well put together. However, Councilor Stanek asked about opposition from the two neighboring property owners, Crichton and Glass. Mr. Upston reported he had not received opposition, and that the developer said he had been in contact with them. Additionally, Public Notice was mailed to the residents and owners of the properties.

Mayor Russell invited public testimony in favor and opposition; however, there was no testimony received at that time.

Afterwards, Robert Breland of Eagle Point inquired about the pond, related drainage system, and flooding. Robert Miller, Public Works Director, responded that drainage from the system flows into the Buchanan Ditch and then the Little Butte Creek. Mr. Miller added that the developer is significantly improving the design to meet a 25 year flood event. Mike Upston, Planning Director, noted that this decision is for a tentative subdivision plan, and civil engineering drawings and other infrastructure will be submitted for final approval. Mr. Breland expressed that the City should fix what it has first, noting the Eagle View Subdivision. Mr. Miller explained about the standards being different when the Eagle View Subdivision was developed, and Mr. Upston welcomed Mr. Breland to check in on the engineering review and construction.

Fred Gurthet of Eagle Point noted there should be a good firebreak or fire suppression system required for adequate protection on multi-family households.

Councilor Stanek asked about the City's 50' minimum for cul-de-sac radius. Robert Miller, Public Works Director, responded that the Fire District's minimum is 48' and there are other cul-de-sacs within the City with a 48' radius but no parking is allowed therein.

There being no further testimony, Mayor Russell closed the Public Hearing at 7:41 p.m.

Next, Mayor Russell announced the proposed Resolution No. 2017-23 was scheduled later in the Agenda as Item No. 10.1. Further, there being no objection to changing the order of business, Mayor Russell asked to discuss and deliberate the proposed Resolution No. 2017-23. Councilor Fierke reported on staff doing a thorough job and his questions being answered. Council President Jenks added that she was pleased with the parking being addressed. Last, Mayor Russell asked about an approximate start date. Travis Snyder of Snyder Creek Development announced plans to break ground no later than October. There was no further discussion.

Mayor Russell asked for a motion to approve Resolution No. 2017-23. Councilor Stanek made a motion to approve Resolution No. 2017-23, a Resolution approving the tentative subdivision plan and recommended conditions of approval associated

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with Planning Application No. 17-03:SUB, North Barton Road Subdivision, at Tax Assessors Map 351W34BD, Lot 200 in the R-1 Single-Family Residential zoning district, as amended. Councilor Fierke seconded the motion. There was no discussion. Roll call: Kathy Sell, yes; Michael Stanek, yes; Bill Fierke, yes; Ruth Jenks, yes; Bob Russell, yes; Jonathan Bilden, absent; and James Mannenbach, absent. The motion passed unanimously by those present.

A brief discussion followed about the feel of open space with the pond and about this being a nice project.

At 7:46 p.m., Joe Kellerman returned as the City Attorney.

### 5.2 Public Hearing in the matter of increasing the Water Base Rate and Water Consumption Rates.

Mayor Russell opened the public hearing at 7:47 p.m. and requested Henry Lawrence, City Administrator, to provide a report. Mr. Lawrence deferred the report to Melissa Owens, Finance Director.

Melissa Owens, Finance Director, reviewed repaying loans to pay off internal and external debt, water system improvements including the new 1.6 million gallon water tank at a cost of approximately \$2.8 million, and reviewed other details in the related Agenda Statement. Ms. Owens further clarified that as projected during the Budget review, revenues are not covering expenses. However, a one-time revenue makes it appear as though there is more in the fund than actually available. Ms. Owens emphasized the need to focus on repayment of loans as required by law, and plan for future improvements that are not budgeted or yet identified.

Mayor Russell asked if there were questions for staff. A lengthy discussion ensued wherein the following items were discussed:

- Current revenues not covering expenses.
- Water Base Rate and Water Consumption Rate increases closing the gap but not building an excess fund, or currently repaying internal debt which will be done over the next 5 years.
- Paying for the new \$2.8M tank over a period of 40 years.
- Impact of new homes built in excess of the projections.
  - Water System Development Charges (SDCs) for new homes, immediately and quickly contributing to Water SDC Funds but not to the Water Operating Fund.
  - Travis Snyder reported a Water SDC of \$2,300 per household.
- The impact and importance of the compounding effect as shown on the Financial Trend Spreadsheet from Budget Meetings with 10-year projections indicating the year 2018-2019 is about \$8,800 in the red with this 4% increase.
- Alternatives to a 4% increase.

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- Average increase to customers over the past five years of approximately \$4.50 (not including Medford Water Commission increases) for a household using approximately 5,000 gallons per month.
- Prior to 2013, the rates had not increased for 10 years and the Water Operating Fund had operated at a deficit.

Fred Gurthet and Robert Breland of Eagle Point joined the discussion. Mr. Gurthet inquired about the City's rates in comparison of other cities in the County. Mr. Lawrence responded that they are low but the City of Medford has the lowest rate as they are the provider. Mr. Breland thought that if new building increased expenses then the City should look at paying off debt prior to new development. Mr. Lawrence responded that ultimately, new building decreases expenses as it spreads the cost of overhead and each new home pays to get into the system. Mr. Gurthet asked about his water bill and Melissa Owens, Finance Director, invited him to review the bill at City Hall.

Mayor Russell invited audience comments in favor or opposition of the proposal; however, there was no testimony. There being no testimony or comments, Mayor Russell closed the Public Hearing at 8:16 p.m.

Next, Mayor Russell reported the proposed Ordinance No. 2017-04 was scheduled later in the Agenda as Item No. 10.2. Further, there being no objection to changing the order of business, Mayor Russell asked to discuss and deliberate the proposed Ordinance. Council President Jenks reiterated that in looking back to 2013, the incremental increases amounted to approximately \$4.50 per month for the average consumer. Councilor Sell asked about increasing consumption rates by 4% but leaving the base rate as is; however, Ms. Owens reported it would not meet the expenses. Council President Jenks added that it is unfortunate that the City does not have the revenue to cover expenses but at the same time, it will cost more in the long run if it is not dealt with.

Mayor Russell asked for a motion to adopt Ordinance No. 2017-04. Council President Jenks made a motion to adopt Ordinance No. 2017-04, an Ordinance in the matter of increasing the Water Base Rate and Water Consumption Rates, and repealing Ordinance No. 2016-06. Councilor Fierke seconded the motion, and expressed hope of not having to raise rates for one year before leaving office. Council President Jenks added a statement about leaving the City in a much better position. There was no further discussion. Roll call: Michael Stanek, yes; Bill Fierke, yes; Ruth Jenks, yes; Bob Russell, yes; Kathy Sell, no; Jonathan Bilden, absent; and James Mannenbach, absent. The motion passed with four yes votes.

### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of May 23, 2017.

Mayor Russell announced the Consent Calendar. There were no questions or comments other than Cindy Hughes reporting the following proposed change to the language under Item 10.1: *Councilor Fierke inquired about whether or not the lots*

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*in the area were the same as previously approved lot sizes remain the same* Mr. Upston confirmed they are the same. Councilor Fierke moved to approve the Consent Calendar as presented and Councilor Stanek seconded the motion. There was no discussion. Roll call: Bill Fierke, yes; Ruth Jenks, yes; Kathy Sell, yes; Michael Stanek, yes; Bob Russell, yes; Jonathan Bilden, absent; and James Mannenbach, absent. The motion passed unanimously by those present.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the Consent Calendar.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid including the additional bills list. Councilor Fierke asked about the new water meters, and Mr. Miller responded they are for new construction with a small portion being replacements. There being no further questions, Council President Jenks moved to approve the Bills to be Paid and the additional bills (Submission No. 2) for a grand total amount of \$185,589.30. Councilor Sell seconded the motion. There was no discussion. Roll call: Ruth Jenks, yes; Kathy Sell, yes; Michael Stanek, yes; Bill Fierke, yes; Bob Russell, yes; Jonathan Bilden, absent; and James Mannenbach, absent. The motion passed unanimously by those present.

9. OLD BUSINESS

There was no Old Business.

10. NEW BUSINESS

10.1 Resolution No. 2017-23. A Resolution approving the tentative subdivision plan and recommended conditions of approval associated with Planning Application No. 17-03:SUB, North Barton Road Subdivision, at Tax Assessors Map 351W34BD, Lot 200 in the R-1 Single-Family Residential zoning district.

Item 10.1 discussed and deliberated after Item 5.1.

10.2 Ordinance No. 2017-04. An Ordinance in the matter of increasing the Water Base Rate and Water Consumption Rates, and repealing Ordinance No. 2016-06.

Item 10.2 discussed and deliberated after Item 5.2.

10.3 Resolution No. 2017-24. A Resolution authorizing the Eagle Point Upper Rogue Chamber of Commerce to operate a beer garden on City owned property commonly referred to as the Old Fire Station during the July 4, 2017, Street Fair Events.

Henry Lawrence, City Administrator, reported that the City Council had authorized the Chamber of Commerce to operate a Beer Garden at last year's 4<sup>th</sup> of July event which was held without issues or problems. Mr. Lawrence proposed authorizing the Beer Garden for this year's events and noted Eagle Point's Municipal Code authorizes him to grant certain exceptions for parks but does not address other city

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properties. Bob Pinnell, Chamber President, reported a change in the distributor to the Walkabout Brewing Company, and they are donating \$2 per glass to the Chamber. Mr. Pinnell also reported plans for additional seating, shade, and better signage. A brief discussion followed about other alcoholic beverages and it was noted that an OLCC Permit will be obtained for this event.

Mayor Russell asked for a motion to approve Resolution No. 2017-24. Councilor Sell made a motion to approve Resolution No. 2017-24, a Resolution authorizing the Eagle Point Upper Rogue Chamber of Commerce to operate a beer garden on City owned property commonly referred to as the Old Fire Station during the July 4, 2017, Street Fair Events. Councilor Fierke seconded the motion. There was no discussion. Roll call: Michael Stanek, yes; Bill Fierke, yes; Ruth Jenks, yes; Kathy Sell, yes; Bob Russell, yes; Jonathan Bilden, absent; and James Mannenbach, absent. The motion passed unanimously by those present.

### 10.4 Discussion regarding selection of lighting for the East Main Street/Stevens Road Improvements.

Robert Miller, Public Works Director, provided a brief history of the lighting styles in Eagle Point, and explained how Main Street and other areas have standardized lighting to maintain the City's character. Three options were presented for the Council's review and there was direction to try not to change the lighting too much from the existing lighting along Main Street or in the Hillside District. Additionally, LED lighting is preferred if reasonably priced. Mr. Miller determined to research availability and reported plans to bring a proposal back for the Council's approval.

## 11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported there would be an upcoming School District Board meeting, with its budget and meeting schedules for next year.

Mayor Russell reported attending the Memorial Day event at the VA Cemetery, along with Senator Ron Wyden in attendance. Additionally, he attended the Rogue Valley Council of Governments (RVCOG) meeting, and planned to assist in judging the If I were Mayor Contest by the Oregon Mayors Association. Mayor Russell also expressed disappointment in Eagle Point only receiving three submissions for the contest.

## 12. STAFF REPORTS

Mike Upston, Planning Director, reported on home and business developments with more projects coming in. In addition, Windemere Real Estate plans to relocate to old Highway 62, and Eagle Point Family Dentistry to the Creekside property. Mayor Russell added that while attending the Rose Parade, he learned from the Mayor of Redmond that they have 1,100 new homes scheduled to be built.

Melissa Owens, Finance Director, expressed appreciation for participation in the budget process last week, and announced plans to present the budget for approval at the next meeting with the rest of the annual resolutions. A future agenda item will be the water tank

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loan with a lowered interest rate of 2.625%. Staff is preparing for the end of the year and already submitting items to the auditors for their return visit.

Robert Miller, Public Works Director, reported on the Sienna Hills Phase One overlay, and preparations for street projects. Mr. Miller concluded with compliments on the City's water operators and their good work.

Vern Thompson, Police Chief, reported receiving positive updates from the new recruit at the State Academy.

Henry Lawrence, City Administrator, noted the reports in the Friday Letter.

There were no other staff reports.

13. INFORMATION

There were no information items for discussion.

At 8:47 p.m., Mayor Russell recessed the meeting for a short break and announced that representatives of the news media and designated staff would be allowed to attend the Executive Session. All other members of the audience would be asked to leave the room and welcomed back afterwards although there would be no additional business after the Executive Session.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(h), To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

At 8:51p.m., Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(h). Following discussion, Mayor Russell closed the Executive Session at 9:01 p.m.

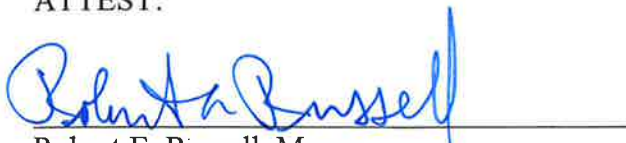
15. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:02 p.m.

Respectfully submitted,

  
Cindy Hughes, City Recorder

ATTEST:

  
Robert E. Russell, Mayor